UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,008	12/21/2001	Jon W. Hamilton	021971.0163	2384

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EXAMINER
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ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>21 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-26</u> is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-26</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>21 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All   b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date <u>05/22/2002</u>.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet <u>within the range of 50 to 150 words</u>. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3.   Claims **1, 2, 4-6, 12-15, 17-19, 25** and **26** are rejected under 35 U.S.C. 102(b) as being anticipated by Friedman, US Patent 5,499,294.

Regarding claim **1**, Friedman discloses a method for generating a digital image comprising: receiving an image at a camera (Fig. 3A: 11); generating a first digital image response to the image at the camera; generating a second digital image in response the first digital image at the camera, the second digital image comprising an

encrypted form of the first digital image; and storing the first and second digital images

at the camera (Col. 5, line 49 – col. 6, line 30).

Regarding claim **2**, Friedman discloses communicating the second digital image

to an authentication center (Fig. 3C: 20, col. 5, line 49 – col. 6, line 30).

Regarding claim **4**, Friedman discloses that the image is received through a lens

associated with the camera (Col. 9, lines 8-45).

Regarding claim **5**, Friedman discloses generating the second image comprises

encrypting the second image using a camera key associated with the camera (Col. 5,

line 49 – col. 6, line 30).

Regarding claim **6**, Friedman inherently discloses encrypting the second image

within a predetermined time by teaching that the second image is encrypted prior to

transmission to the authentication center (Col. 5, line 49 – col. 6, line 30), wherein the

time between generating the image and transmitting said image is considered the

predetermined time.

Regarding claim **12**, Friedman discloses associating a serial number with the first

image (Col. 5, line 49 – col. 6, line 30).

Regarding claim **13**, Friedman discloses that the serial number is encrypted as

part of the generation of the second image (Col. 5, line 49 – col. 6, line 30).

Regarding claim **14**, Friedman discloses a system for generating a digital image

comprising: a digital camera (Fig. 3A: 11) having a memory; an application stored in the

memory (Fig. 3B: 12C) and operable to: receive an image; generate a first digital image

in response to the image; generate a second digital image in response to the first digital

image, the second digital image comprising an encrypted form of the first digital image;

and store the first and second digital images in the memory (Col. 5, line 49 – col. 6, line

30).

Regarding claim **15**, Friedman discloses that the application is further operable to

communicate the second digital image to an authentication center (Col. 5, line 49 – col.

6, line 30).

Regarding claim **17**, Friedman discloses that the camera further comprises a lens

operable to receive the image is received through (Col. 9, lines 8-45).

Regarding claim **18**, Friedman discloses that the application is further operable to

encrypt the second image using a camera key associated with the camera (Col. 5, line

49 – col. 6, line 30).

Regarding claim **19**, Friedman inherently discloses that the application is further

operable to encrypt the second image within a predetermined time by teaching that the

second image is encrypted prior to transmission to the authentication center (Col. 5, line

49 – col. 6, line 30), wherein the time between generating the image and transmitting

said image is considered the predetermined time.

Regarding claim **25**, Friedman discloses that the application is further operable to

associate a serial number with the first image (Col. 5, line 49 – col. 6, line 30).

Regarding claim **26**, Friedman discloses that the serial number is encrypted as

part of the generation of the second image (Col. 5, line 49 – col. 6, line 30).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5.   Claims **3** and **16** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Friedman, US Patent 5,499,294 in view of Steinberg, US Patent 5,862,217.

Regarding claim **3**, Friedman does not explicitly disclose that the second digital

image is communicated wirelessly to the authentication center.

However, Steniberg teaches a camera (Fig. 1: 10) that encrypts the images

taken prior to transmission to a host computer (Fig. 1: 12), wherein said images are

transmitted wirelessly to the host computer by using transceivers (Fig. 1: 28 and 1: 30)

(Col. 2, lines 49-64; col. 3, lines 10-30).

Therefore, taking the combined teaching of Friedman in view of Steinberg as a

whole, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Friedman by transmitting the images wirelessly to the

authentication center. The motivation to do so would help the user to transfer the

encrypted images to the authentication center without needing to connect the camera to

said authentication center using transmission cables.

Regarding claim **16**, Friedman does not explicitly disclose that the second digital

image is communicated wirelessly to the authentication center.

However, Steniberg teaches a camera (Fig. 1: 10) that encrypts the images

taken prior to transmission to a host computer (Fig. 1: 12), wherein said images are

transmitted wirelessly to the host computer by using transceivers (Fig. 1: 28 and 1: 30)

(Col. 2, lines 49-64; col. 3, lines 10-30).

Therefore, taking the combined teaching of Friedman in view of Steinberg as a

whole, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Friedman by transmitting the images wirelessly to the

authentication center. The motivation to do so would help the user to transfer the

encrypted images to the authentication center without needing to connect the camera to

said authentication center using transmission cables.

6.   Claims **7** and **20** are rejected under 35 U.S.C. 103(a) as being unpatentable over

Friedman, US Patent 5,499,294 in view of Glass, US Patent 6,332,193 B1.

Regarding claim **7**, Friedman does not explicitly disclose that generating the

second image comprises encrypting the second image using a non-symmetric

encryption algorithm.

However, Glass teaches an imaging system (Fig. 3) comprising a code generator

for encrypting image data prior transmission to a network, wherein said encryption is

performed with a non-symmetric algorithm (Col. 5, line 46 – col. 6, line 32).

Therefore, taking the combined teaching of Friedman in view of Glass as a

whole, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Friedman by using a non-symmetric algorithm to encrypt

the images prior transmission to a network. The motivation to do so would enable

transmission of encrypted image data between the camera and the authentication

center more secure since the key for encrypting the image is different than the key for

decrypting said image.

Regarding claim **20**, Friedman does not explicitly disclose that the application is

further operable to encrypt the second image using a non-symmetric encryption

algorithm.

However, Glass teaches an imaging system (Fig. 3) comprising a code generator

for encrypting image data prior transmission to a network, wherein said encryption is

performed with a non-symmetric algorithm (Col. 5, line 46 – col. 6, line 32).

Therefore, taking the combined teaching of Friedman in view of Glass as a

whole, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Friedman by using a non-symmetric algorithm to encrypt

the images prior transmission to a network. The motivation to do so would enable

transmission of encrypted image data between the camera and the authentication

center more secure since the key for encrypting the image is different than the key for

decrypting said image.

7.   Claims **8-11** and **21-24** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Friedman, US Patent 5,499,294 in view of Steinberg, US Patent

6,587,949 B1.

Regarding claim **8**, Friedman does not explicitly disclose associating an

annotation with the first image.

However, Steinberg teaches an imaging system (Fig. 1) that encrypts the images

taken prior to transmission to a host computer (Fig. 1: 16), wherein annotations are

inserted into the image data prior to transmission (Col. 7, lines 7-54).

Therefore, taking the combined teaching of Friedman in view of Steinberg as a

whole, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Friedman by inserting annotations to the image data prior

to encryption of the second image. The motivation to do so would help to verify the

authenticity of images with questionable data as suggested by Steinberg (Col. 7, lines

7-54).

Regarding claim **9**, the combination of Friedman in view of Steinberg as applied

in claim 8 teaches that the annotation is associated with the first image prior to

generating the second digital image. Steinberg teaches that the annotations can be the

date and time when the image was taken (Col. 7, lines 7-54). Therefore, grounds for

rejecting claim 8 apply here.

Regarding claim **10**, the combination of Friedman in view of Steinberg as applied

in claim 8 teaches that the annotation comprises embedded text (See Steinberg, col. 7,

lines 7-54).

Regarding claim **11**, the combination of Friedman in view of Steinberg as applied

in claim 8 teaches as in claim 8. Therefore, grounds for rejecting claim 8 apply here.

Regarding claim **21**, Friedman does not explicitly disclose that the application is

further operable to associate an annotation with the first image.

However, Steinberd teaches an imaging system (Fig. 1) that encrypts the images taken prior to transmission to a host computer (Fig. 1: 16), wherein annotations associated with information of the first image are inserted into the image data prior to transmission (Col. 7, lines 7-54).

Therefore, taking the combined teaching of Friedman in view of Steinberg as a whole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Friedman by inserting annotations associated with the first image to the second image data prior to encryption of the second image. The motivation to do so would help to verify the authenticity of images with questionable data as suggested by Steinberg (Col. 7, lines 7-54).

Regarding claim **22**, the combination of Friedman in view of Steinberg as applied in claim 21 teaches that the annotation is associated with the first image prior to generating the second digital image. Steinberg teaches that the annotations can be the date and time when the image was taken (Col. 7, lines 7-54). Therefore, grounds for rejecting claim 21 apply here.

Regarding claim **23**, the combination of Friedman in view of Steinberg as applied in claim 21 teaches that the annotation comprises embedded text (See Steinberg, col. 7, lines 7-54).

Regarding claim **24**, the combination of Friedman in view of Steinberg as applied in claim 21 teaches. Therefore, grounds for rejecting claim 21 apply here.

Contact

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Nelson D. Hernandez whose telephone number is (703)

305-8717. The examiner can normally be reached on 8:30 A.M. to 6:00 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Wendy R. Garber can be reached on (703) 305-4929. The fax phone

number for the organization where this application or proceeding is assigned is 703-

872-9306.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free).

<div style="text-align: right;">
Nelson D. Hernandez
Examiner
Art Unit 2612
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NDHH
December 10, 2004

AUNG MOE
PRIMARY EXAMINER